

REMARKS

Upon entry of the foregoing amendment, claims 1-10 are pending in the application, with claim 1 being the independent claim. Claims 1 and 7 are sought to be amended. Claim 8 is sought to be canceled.

Claim 1 has been amended to recite that the layer (I) of the laminate comprises an olefinic thermoplastic elastomer composition (A). Dependent claim 7 has been amended to reflect the change to claim 1, the claim from which it depends. Support for these amendments can be found in the English-language specification as originally filed, e.g., at page 54, lines 13-15.

These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Rejection of the Claims Under 35 U.S.C. § 102

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Morizono *et al.*, U.S. Pat. No. 6,632,885 ("Morizono"). (Office Action, at page 2, lines 12-13, at paragraph 2.)

According to the Office, Morizono discloses a soft syndiotactic polypropylene composition and a laminate having a layer comprising the composition and a layer comprising a thermoplastic resin, in which the composition (1) comprises a syndiotactic propylene polymer (A), an α -olefin polymer (B), and a small amount of a crystal nucleating agent (C) and/or an ethylene-based polymer. (Office Action, at page 2, lines 14-18.) The Office believes that all limitations are disclosed in the cited reference. (Office Action, at page 3, line 14.)

To expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have amended claim 1 to recite that the layer (I) of the laminate comprises an olefinic thermoplastic elastomer composition (A), which, as claim 1 further recites, contains an olefinic resin (a) and an ethylenic copolymer rubber (b).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1, as currently presented, recites that the laminate has a layer comprising an olefinic thermoplastic elastomer composition (A) which, Applicants believe, is not disclosed in Morizono.

Thus, Morizono fails to disclose each and every element of claims present claims 1-10 and thus cannot anticipate the claims.

Applicants believe that the rejections of claims 1-10 under 35 U.S.C. 102(b) have been overcome and request that the rejection be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request that the Examiner reconsider all rejections and objections and that they be withdrawn. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

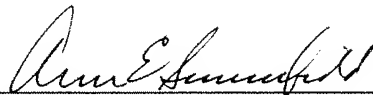
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 6, 2009

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By



Ann E. Summerfield
Attorney for Applicants
Registration No. 47,982